



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

**DATE:** July 9, 2010

**TO:** Planning Commission

**SUBJECT:** GENERAL PLAN UPDATE - ORDINANCES AMENDING THE ZONING ORDINANCE, ZONING CLASSIFICATIONS OF CERTAIN PROPERTIES, RESOURCE PROTECTION ORDINANCE AND SUBDIVISION ORDINANCE FOR CONSISTENCY WITH THE GENERAL PLAN UPDATE AND OTHER CLEAN UP ACTIONS, POD 10-004 (District: All)

**SUMMARY:**

**Overview**

On April 16, 2010, the Planning Commission recommended approval of the draft General Plan text, land use maps, road network, community plans, Implementation Plan and Conservation Subdivision Program. This ordinance consistency review is a comprehensive review of the Zoning Ordinance, property specific zoning and other ordinances to insure that County ordinances and zoning maps will be consistent with the General Plan Update at the time of adoption. The purpose of this hearing is to receive recommendations from the Planning Commission regarding the draft consistency review maps and necessary ordinance amendments that are required for the General Plan Update.

**Recommendation(s)**

DEPARTMENT OF PLANNING & LAND USE

That the Planning Commission:

1. Recommend that the Board of Supervisors adopt the attached Form of Ordinance (Attachment B):

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE GENERAL PLAN UPDATE

2. Recommend that the Board of Supervisors adopt the attached Form of Ordinance (Attachment C):

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE GENERAL PLAN UPDATE

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3. Recommend that the Board of Supervisors adopt the attached Form of Ordinance (Attachment D):

AN ORDINANCE AMENDING THE RESOURCE PROTECTION ORDINANCE RELATED TO THE GENERAL PLAN UPDATE

4. Recommend that the Board of Supervisors adopt the attached Form of Ordinance (Attachment E):

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE RELATED TO THE GENERAL PLAN UPDATE

5. Adopt the revised Resolution (Attachment F) recommending Board of Supervisors approval of the County of San Diego-initiated comprehensive update of the General Plan, which consists of Land Use Map revisions since the April 16, 2010 resolution, as detailed in Attachment G.

**Fiscal Impact**

Implementation of the General Plan Update will be supported by staff and a number of existing programs, many of which support implementation of the existing General Plan. However, additional staffing and funding may be necessary as individual implementation programs are undertaken. No additional costs or staffing are needed to implement the reviews proposed by the actions in this item.

**Business Impact Statement**

The ordinance consistency review will assist in implementing the blueprint of the General Plan by allowing for commercial, industrial, residential and other zones to be appropriately located. This will allow for future commercial, industrial and residential developments as directed by the General Plan Update.

**Advisory Board Statement**

N/A

**Involved Parties**

The County of San Diego is the project proponent. The General Plan Update will apply to all lands that are under the land use jurisdiction of the County of San Diego.

**BACKGROUND:**

The General Plan Update is a comprehensive update of the San Diego County General Plan, establishing future growth and development policies for the unincorporated areas of the County. This update is intended to balance projected population growth with housing, employment, infrastructure and resource protection needs. Once adopted, the General Plan will establish the amount, intensity and location of future development. It will also identify the classification and

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location of the road infrastructure needed to support future development, as well as contain other policies that govern physical development within the unincorporated County.

On April 16, 2010, the Planning Commission recommended approval of the draft General Plan text, land use maps, road network, community plans, Implementation Plan and Conservation Subdivision Program. The purpose of this hearing is to receive recommendations from the Planning Commission regarding the draft consistency review maps and necessary ordinance amendments that are required for the General Plan Update including the consistency of property specific zoning with land use designations. These components are described in the following sections.

#### **Requirement to Amend Zoning Ordinance**

Zoning Ordinance Section 1003 states in the event the Zoning Ordinance becomes inconsistent with the San Diego County General Plan by reason of the adoption of a new Plan, the Zoning Ordinance shall be amended so that it is consistent with the newly adopted Plan. In anticipation of the adoption of the General Plan Update, Department of Planning and Land Use staff has reviewed existing zoning of all properties in the unincorporated county. The purpose of the Zoning Ordinance is to serve the public health, safety and general welfare while providing the advantages resulting from the implementation of the General Plan. To this end, staff reviewed the affected sections of the Zoning Ordinance and property zoning and included the necessary changes at this time for General Plan Update adoption to insure the Zoning Ordinance is consistent and the advantages resulting from the adoption of a new General Plan may be realized. Staff proposes to continue to implement the existing zoning use regulations and designators (zone box) in the Zoning Ordinance.

#### **Property Specific Zoning**

The review of property specific zoning included all Community Plan Areas and zoned properties in the unincorporated county, to insure zoning will be consistent with the new General Plan designations. The main portion of the review is to insure that the existing zoning use regulations are consistent with the new General Plan land use designations and which use regulations are consistent with which land use designations. A new zoning and land use designation compatibility matrix was developed with existing zoning use regulations and new General Plan Update land use designations. The typical situations resulting from this review were:

- The existing zoning remains unchanged as many existing zones are already consistent with new General Plan land use designations.
- The existing zoning use regulation will remain, however a portion of the zoning box is revised for consistency, such as the minimum lot size or building type.
- The existing zoning use regulation is proposed to be changed to a zone consistent with a new land use designation.

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The property specific review of zoning used the Land Use Map recommended by the Planning Commission on April 2010 for all proposed land use designations. Any changes to the recommended land use maps by the Board of Supervisors may require additional property specific zoning changes to insure consistency with the new land use designations. Typical changes to zoning for a specific property include:

- Changing building types in areas with increased density due to a new land use designation.
- Changing the use regulation from residential or agricultural to commercial or industrial in new commercial- and industrial-designated areas in the General Plan Update Land Use Map. Often, such a change also requires a building type change to allow for nonresidential buildings.
- Change to a zone by decreasing the minimum lot size to either match or be lower than the reasonably expected lot size typically found with the residential density in the land use designation. For example most, if not all, VR-4.3 areas should have a 10,000 square foot or lower lot size and most, if not all, SR-1 areas should have a 1 acre or lower minimum lot size, to allow for the General Plan density and lot size to match zoning. Areas that received a reduction in residential density by the General Plan Update only received an increase in Minimum Lot Size if it was specified by the Community or Subregional Plan that was endorsed by the Planning Commission on April 16, 2010.
- Removal of a numeric density value in zoning for residentially zoned properties. The dash “-” will now indicate the General Plan will provide density for the property; see additional discussion below.
- Addition of a Special Area Regulation to a zone, such as the new Airport Compatibility Plan Designation “C”; see additional discussion below.

#### **Process to Prepare Property Specific Zoning**

In January 2010 two initial draft zoning consistency review maps and tables were sent to each planning and sponsor group. The two maps showed preliminary staff-recommended zoning changes in purple hatch on one map and recommended minimum lot sizes in green hatch on another map. Community-specific tables summarized changes corresponding with each map. The maps and tables were then updated to both incorporate comments received, where applicable, and to recommend any additional zoning changes as a result of the recent Planning Commission hearings. In addition, some previously considered zoning changes were removed to limit the property specific review of zoning to only those changes necessary with adoption of the General Plan Update.

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In late April 2010, all groups were sent two revised draft maps that indicated proposed zoning and lot size changes based on the land use map endorsed by the Planning Commission on April 16, 2010. These maps and tables were made available for public review on the DPLU website. The tables identified the zoning changes proposed for each community, with the specific portions of the zone box being affected. The portions of the zone box affected in most planning areas included use regulations, density, lot size, building type, and special area regulations for consistency with the General Plan Update Land Use Map.

Property owners affected by substantial use regulation, density, lot size, building type or special area regulation changes were notified with direct mailers in May 2010. A specific hotline number was identified for property owners to call and staff answered hundreds of calls in recent months regarding zoning changes. Property owners were encouraged to provide comments either by letter or email regarding proposed changes.

In order for staff to consider, and incorporate, any additional changes recommended by community planning and sponsor groups or the public prior to this hearing, comments on the draft review were requested by May 28, 2010. Community planning and sponsor groups were encouraged to use training handbooks, the Zoning Ordinance Summary DPLU #444 and other reference documents where necessary for additional information regarding the proposed changes. Community planning and sponsor group members were invited to meet with General Plan Update staff to review and discuss these documents at our offices.

### **Text Changes to the Zoning Ordinance**

Typical changes to ensure that the Zoning Ordinance would be consistent with the General Plan Update included:

- Inserting a dash “-” for density to be provided by the General Plan,
- Changing references to Circulation Element to Mobility Element,
- Revising nonconforming regulations to allow destroyed or damaged structures to be rebuilt,
- Repealing S87 Limited Control zoning designation, and
- Inserting the new Airport Compatibility Plan Special Area Designator.

### **Density:**

As part of the General Plan Update consistency review of zoning, a numeric value for density for residential properties will no longer be part of the zone box as density for these properties will refer to the General Plan land use designation. Therefore, many of the proposed zoning changes include a dash “-”for density. The dash is proposed to be revised in the Zoning Ordinance to indicate that density for the subject property is pursuant to the General Plan land use designation. Additionally, most residential use regulations with a numeric value in the title, such as “RS4” with 4 being the number of units per acre, will now be notated as “RS” without the number included as density.

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**Legal Non-conforming:**

Some properties with existing uses that are legal and conform with existing zones may not conform with a proposed new zone as part of the consistency review of zoning. In such cases, the use would be considered legal non-conforming and may continue to be allowed in accordance with the legal non-conforming regulations in the Zoning Ordinance Section 6850. Staff proposes new language to this part of the Zoning Ordinance to allow for damaged or destroyed structures to be replaced with legally established non-conforming uses in Section 6867. Existing code sections have made it difficult for these types of situations with damaged or destroyed structures to be resolved. With the existing code it is possible for a non-conforming structure to be damaged or destroyed in some way that it would not be able to be replaced. The proposed change would allow for non-conforming uses to remain in perpetuity and be rebuilt unless the property owner decides to disestablish the non-conforming use.

**S87 Limited Control:**

The S87 Limited Control use regulation, is being repealed as it was applied to areas of the county in the past that were not in conformance with the existing General Plan. However, with the General Plan Update these areas will now have standard zoning in compliance with the General Plan and therefore the S87 is being repealed as it is no longer necessary as a use regulation. The largest areas of the county that had the S87 zoning were located in Borrego Springs, all of Lincoln Acres (National City County Island), Otay Mesa, an area to the southwest of Jamul and an area in Boulevard. Another zone, the S90 Holding Area use regulation, can be used in the event that a zone like S87 is necessary for similar planning issues in the future as it is almost exactly the same as S87.

**Airport Compatibility Plan Special Area Designator:**

The Zoning Ordinance revisions include a new Airport Compatibility Plan Special Area Designator. Airport Land Use Compatibility Plans (ALUCP) provide guidance on appropriate land uses surrounding airports to protect the health and safety of people and property within the vicinity of an airport, as well as the public in general. An ALUCP focuses on a defined area around each airport known as the Airport Influence Area (AIA). The AIA is comprised of noise, safety, airspace protection and overflight factors, in accordance with guidance from the California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics. California law requires the preparation of an ALUCP for each public-use airport in the State. The ALUCPs for San Diego County have been prepared by the San Diego Regional Airport Authority (SDCRAA) and are adopted by the SDCRAA Board acting as the Airport Land Use Commission (ALUC).

The proposed amendments would add a new Special Area Regulations Section within the Zoning Ordinance relating to Airport Land Use Plan Regulations. This change would require designated properties located within AIAs to comply with applicable ALUCPs.

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Additionally, this action would add new Special Area Designators to County zoning maps for all properties located within the AIA boundaries of the adopted ALUCPs.

Currently there are six adopted ALUCPs for public airports in the unincorporated County (Aqua Caliente, Borrego, Fallbrook, Jacumba, Ocotillo Wells and Ramona), five adopted ALUCPs for public use airports in which some portion of the AIA is located within the unincorporated County (Brown Field, Gillespie Field, Montgomery Field, Oceanside, and Palomar) and two military airports in which a portion of the AIA is located within the unincorporated County (MCAS Miramar, MCAS Camp Pendleton). A requirement of the ALUCPs, per statute, is that each local agency having jurisdiction over land uses within an ALUCP AIA area must modify its general plan to be consistent with the compatibility plans. Amending the County Zoning Ordinance and zoning maps will assure general plan consistency by now referencing the ALUCPs and their associated compatibility policies. This approach is in harmony with the “consistency” requirements of the ALUCPs and has received initial acceptance by SDCRAA staff.

#### **Text Changes to Other Ordinances**

Changes to specific sections of the Resource Protection Ordinance and the Subdivision Ordinance are also necessary to maintain consistency upon General Plan Update adoption. Staff reviewed all other affected ordinances and policies to determine consistency and has included the necessary changes to the Resource Protection Ordinance and the Subdivision Ordinance as part of this review.

Changes to the Resource Protection Ordinance include:

- Repealing the slope criteria table, and
- Revising references to Circulation Element to Mobility Element.

Changes to the Subdivision Ordinance include:

- Revising references to specific land use designations, and
- References to specific policies, road types and section numbers have also been updated and revised where necessary.

#### **Land Use Refinements**

The additional property specific changes to zoning, notification and review by community planning and sponsor groups resulted in nine areas where the previous General Plan endorsement by the Planning Commission should be revised. These areas include mapping errors with designation of land as Public Facilities, refinement for properties that are existing uses zoned Commercial but do not have a Commercial land use designation, incorporation of recent General Plan Amendments and the addition of General Plan designations as the first step in the process

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for an area being de-annexed from the City of El Cajon. These items are discussed in Attachment G.

**PROJECT ISSUES:**

Many issues, concerns and opposing views and positions have been presented by General Plan Update stakeholders and the general public. These are evident in the comments received during the January-February 2010 Planning and Sponsor Group review period and the April-May 2010 public review period.

Common issues identified include opposition to use regulation, lot size or building type zone changes or additional requests by the public for land use designation changes.

**WAIVERS AND EXCEPTIONS:**

N/A

**ENVIRONMENTAL STATUS:**

A Program Environmental Impact Report has been prepared pursuant to the California Environmental Quality Act (CEQA) for the General Plan Update and this component. A Notice of Preparation (NOP) soliciting input on the scope of the EIR was first issued in 2002 and again in 2008. The Draft EIR was made available for public review in 2009. Staff has prepared responses to comments received during public review. The NOPs, Draft EIR, comments and responses can be viewed on the project website along with the public comments that were received on these documents.

**PREVIOUS ACTIONS:**

April 16, 2010 Planning Commission hearing endorsing the Land Use Map and associated General Plan Update documents.

**ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:**

N/A

**PUBLIC INPUT:**

The Zoning Consistency Review included a community outreach process involving community planning/sponsor groups, individual property owners, interested organizations and members of the public. Staff attended numerous planning/sponsor group and subcommittee meetings including Alpine, Bonsall, Boulevard, Crest-Dehesa, Jamul-Dulzura, Lakeside, Pine Valley, Ramona, Spring Valley, Sweetwater, Valley Center, Valle De Oro. As well as meeting with planning/sponsor groups and group members at DPLU including Borrego Springs, Julian, Potrero, Rainbow, Tecate and Twin Oaks. Many groups have provided comments and have worked with staff to resolve issues.



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Individual property owners with proposed substantial zoning changes were notified through direct mailers during the public review period in May 2010. This included thousands of affected properties. Property owners were given a direct phone number to call to discuss any concerns, questions or issues directly with staff. Over the past few months, staff has answered hundreds of phone calls and assisted property owners in understanding proposed changes.

Attachment H identifies the planning and sponsor groups and individuals from the public who provided comments on the Zoning Consistency Review. Attachment H also includes a summary table of responses to the public comments.

**DEPARTMENT REASONS FOR RECOMMENDATION:**

1. The project is a product of public input and discussion to resolve issues and achieve consensus.
2. The project will insure consistency between the Zoning Ordinance and the General Plan Update upon adoption of the General Plan in conformance with Zoning Ordinance Section 1003 and State Law.
3. The project has been reviewed in compliance with CEQA and State and County CEQA Guidelines because a Draft EIR dated July 1, 2009 and on file with DPLU has been prepared, was advertised for public review and is recommended for adoption by the Planning Commission.

cc: All Community Planning and Sponsor Groups  
Interested Parties (via email)

**ATTACHMENTS:**

Attachment A – Zoning Maps  
Attachment B – Changing Zoning Classification Form of Ordinance  
Attachment C – Ordinance Amending the Zoning Ordinance  
Attachment D – Ordinance Amending the Resource Protection Ordinance  
Attachment E – Ordinance Amending the Subdivision Ordinance  
Attachment F – Resolution of the Planning Commission Concerning the General Plan Update  
Attachment G – Staff Recommended Land Use Map Changes  
Attachment H – Persons, Organizations and Public Agencies that Provided Comments on the General Plan Update Draft Zoning Consistency Review

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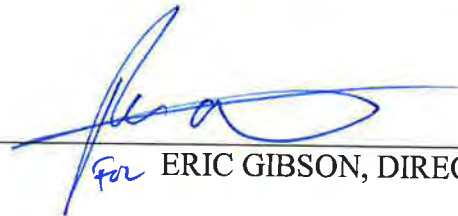
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**AUTHORIZED REPRESENTATIVE:**

  
For ERIC GIBSON, DIRECTOR